
SCHOOL OF LAW**Interdisciplinary Environmental Clinic**

July 6, 2016

National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460

Regional Freedom of Information Officer
U.S. EPA, Region 7
11201 Renner Boulevard
Lenexa, KS 66219

Submitted via FOIAonline

RE: Freedom of Information Act Request – 2010 Sulfur Dioxide Air Quality Designation
Regarding the Labadie Energy Center in Franklin County, Missouri (EPA-HQ-OAR02014-0464)

To FOIA Officers at EPA Headquarters and Region 7:

On behalf of Sierra Club, we request the following documents pursuant to the Freedom of Information Act. We are submitting this request to both EPA Headquarters (including the Office of Air Quality Planning and Standards) and Region 7 because the documents pertain to a decision that was announced by EPA as a nationally-applicable rulemaking and focus specifically on a source in Region 7. We believe that national and regional EPA personnel created, reviewed, or received documents responsive to this FOIA request.

For purposes of this request, the term “documents” includes, but is not limited to, memoranda, notes, correspondence, e-mails, reports, studies, agreements, inspection reports, modeling data, modeling analyses, monitoring data, permits, and other information. This request does not include EPA’s Final Rule, Response to Comments, and other documents posted at <https://www.epa.gov/sulfur-dioxide-designations/epa-completes-second-round-sulfur-dioxide-designations>.

1. All documents involving communications with the Missouri Department of Natural Resources (“MDNR”) regarding the 2010 Sulfur Dioxide Air Quality Designation for the Labadie Energy Center in Franklin County, Missouri (“Labadie SO₂ designation”) since February 16, 2016, excluding the April 19, 2016 letter from MDNR (Kyra Moore) to EPA Region 7 (Mark Hague) and Attachments 1-3 submitted therewith.
2. All documents involving communications with Ameren Missouri (“Ameren”) regarding the Labadie SO₂ designation since February 16, 2016, excluding the comments and exhibits submitted by Ameren on March 31, 2016, and including but not limited to model

runs and related documents provided by Ameren to EPA after March 31, 2016 (including but not limited to April 29, 2016 and May 2, 2016).

3. All documents involving internal EPA communications, including but not limited to communications between EPA Region 7 and EPA Headquarters (including but not limited to the Office of Air Quality Planning and Standards) regarding modeling related to the Labadie SO₂ designation.
4. All documents involving communications between EPA and any person or entity, including but not limited to elected or appointed government officials, companies, trade associations, and non-profit organizations but not including MDNR, Ameren, or Sierra Club, regarding the Labadie SO₂ designation. This request does not include comments or documents posted at regulations.gov for Docket Number EPA-HQ-OAR-2014-0464.
5. All documents (including but not limited to evaluations or calculations by EPA) involving the effects on modeled design values of correcting Ameren's 2015 exit velocity error for Labadie Energy Center merged Units 3 and 4.
6. All documents regarding modeling runs conducted by EPA that pertain to the Labadie SO₂ designation.
7. All documents regarding EPA's analysis or evaluation of Ameren's Northwest and Valley monitors near the Labadie Energy Center.

On behalf of Sierra Club, we request a fee waiver under FOIA. Sierra Club plays an active role in seeking to protect the environment and public health in Missouri and elsewhere across the nation. It is a non-profit organization that serves as a source of public education and awareness through direct connection with the public and through work with other organizations. Disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations and activities of the government and Sierra Club has no commercial interest in the requested information. For the reasons set forth below, Sierra Club satisfies the EPA's criteria for a FOIA fee waiver as set forth in 40 C.F.R. §2.107(l)(2) and (3):

(2)(i) *"Whether the subject of the requested records concerns 'the operations or activities of the government.'"*

The requested records were obtained or generated by the EPA, a federal agency, during the course of its implementation of the 2010 sulfur dioxide National Ambient Air Quality Standard ("2010 SO₂ NAAQS") promulgated by EPA pursuant to the federal Clean Air Act.

(2)(ii) *"Whether the disclosure is 'likely to contribute' to an understanding of government operations or activities."*

The requested documents will be meaningful to Sierra Club, its members, and members of the public, who are concerned about air pollution and public health in Missouri. Sierra Club posts information on its websites, <http://www.sierraclub.org/missouri> and <http://content.sierraclub.org/coal/missouri> and in its newsletters, and participates in community forums and public hearings regarding the Ameren Missouri Labadie plant and its impacts on air pollution and public health. Sierra Club provides information to the public regarding the impacts of power plants on air quality and public health. The public benefits from Sierra Club's access to these requested documents by being able to review and understand the data and analyses regarding the impacts of Ameren Missouri's Labadie plant on air quality in the region and regarding the implementation of the 2010 SO₂ NAAQS set by EPA under the Clean Air Act.

(2)(iii) "Whether disclosure of the requested information will contribute to 'public understanding.'"

Sierra Club works in partnership with other organizations and with the assistance of the Interdisciplinary Environmental Clinic to understand the significance of the requested documents and convey the information in understandable terms to the general public. Sierra Club has played and will continue to play an active role in educating the public about the implementation of the 2010 SO₂ NAAQS in Missouri.

(2)(iv) "Whether the disclosure is likely to contribute 'significantly' to public understanding of government operations or activities."

Ameren Missouri's Labadie plant is the largest in the state and one of the largest in the nation. It is the largest source of sulfur dioxide pollution in the state and the by far the largest coal plant nationwide operating without pollution controls for its sulfur dioxide emissions. The public in the St. Louis region has become increasingly concerned about the air pollution impacts of the Labadie plant, and has many questions about the EPA's decision to designate the area around Labadie as unclassifiable in contrast to its intended decision to designate it as nonattainment. Access to EPA's public records will play a key role in assisting the public to understand this complex issue. Sierra Club is dedicated to environmental protection and conducts regular and varied activities to disseminate relevant information to the public.

(3)(i) "The existence and magnitude of a commercial interest."

And

(3)(ii) "The primary interest in disclosure."

Sierra Club is a 501(c)(4) not-for-profit public interest organization and has no commercial or economic interest in the requested documents. Sierra Club's mission is to explore, enjoy, and protect the planet, including to educate and enlist humanity to protect and restore the quality of the nature and human environment.

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We hope this demonstrates that Sierra Club is entitled to a fee waiver with respect to this FOIA request.

Please let me know if you have any questions regarding the processing of this request.

Sincerely yours,



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